

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/770,434	BRENNAN, BOB	
	Examiner	Art Unit	
	Adolfo Nino	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed 5/17/05.
2.  The allowed claim(s) is/are 1 and 6-10.
3.  The drawings filed on 11 January 2005 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory J. Lunn on 6/2/05.

The application has been amended as follows:

#### **IN THE CLAIMS:**

Claim 1 (Currently amended), line 5, between "driver said" insert ----, and----.

#### ***Allowable Subject Matter***

Claims 1 and 6-10 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1 and 6-10, the cited prior art does not disclose, teach, or suggest, alone or in combination, a ground rod having an auger tip and a second end comprising a head portion having a configuration to attach to a rotating powered driver; and a handle removably attachable to said head portion permitting manual insertion and removal of said ground rod.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu (US 6,874,392 B1) discloses a connector of hand tool combined with an operation member and including a main body, a movable rod, a positioning ball, and at least one spring. Lewis (US 5,568,757) discloses a socket wrench adapter. Pearce (US 5,438,894) discloses a socket wrench extension.

### ***Response to Arguments***

Applicant's arguments, see REMARKS section on Amendment, filed 5/17/05, with respect to independent claims 1 and 7 have been fully considered and are persuasive. The rejections of claims 1 and 6-10 have been withdrawn.

The Examiner agrees with Applicant's argument that modifying a ground rod to combine a power driven ground rod with a manually driven ground rod is unobvious in light of the cited prior art.

The Examiner cited references that disclose a ground rod that is power driven (Orsini et al. (Pub. No. U.S. 2003/0192713 A1) as well as in Bruser et al. (US 4,688,969)); and references that disclose manual driven rods (Heinrich; US 2,065,184), but there is no motivation to combine both methods of driving a ground rod into the same end of a ground rod.

The Examiner does not agree with Applicant's argument that "no one has disclosed/invented a power driven ground rod", because it is disclosed in Orsini et al. (Pub. No. U.S. 2003/0192713 A1) as well as in Bruser et al. (US 4,688,969), both of these references cited in Office Action filed 9/9/04.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (571) 272-1981. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN

*Dean A. Reichard 6/27/05*  
DEAN A. REICHARD  
SUPPLYING PATENT EXAMINER  
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